

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ANTONIO D. MOSS,	:	
	:	5:05-cv-180 (CAR)
Petitioner,	:	
	:	
vs.	:	HABEAS CORPUS
	:	28 U.S.C. § 2241
STEVE UPTON, Warden,	:	
	:	
Respondent.	:	
_____	:	

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 28] that Respondent's Motion to Dismiss [Doc. 12] be granted. Through its motion, Respondent seeks dismissal of Petitioner's petition for habeas corpus on the grounds that Petitioner has failed to exhaust state remedies. Petitioner filed no Objection to the Recommendation. Having considered the matter, the Court agrees with the Recommendation. Accordingly, the Recommendation [Doc. 28] that Respondent's Motion to Dismiss [Doc. 12] be granted is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT.**

SO ORDERED, this 6th day of February, 2006.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

AEG